

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

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|---------------------------------------|---|
| RONNIE ONEY | § |
| d/b/a RONNIE'S WRECKER SERVICE | § |
| <i>Plaintiff,</i> | § CIVIL ACTION NO. 2:24-cv-00220 |
| | § JURY DEMANDED |
| V. | § |
| | § |
| | § |
| TRISURA SPECIALTY INSURANCE | § |
| COMPANY | § |
| <i>Defendant.</i> | § |

**DEFENDANT TRISURA SPECIALTY INSURANCE COMPANY'S
NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Defendant **TRISURA SPECIALTY INSURANCE COMPANY** (hereinafter referred to as "Defendant"), in the above-styled cause, and files this his Notice of Removal of the above-styled case. Removal is based on 28 U.S.C. § 1332 (diversity jurisdiction) and is authorized by 28 U.S.C. §§ 1441 and 1446.

I. BACKGROUND

1. On February 14, 2024, Plaintiff RONNIE ONEY d/b/a RONNIE'S WRECKER SERVICE sued Defendant TRISURA SPECIALTY INSURANCE COMPANY, in the County Court at Law of Harrison County, Texas, Cause No. 2024-11629-CCL, asserting a statutory claim under Chapter 2303 of the Texas Occupations Code.
2. On March 21, 2024, Defendant received the initial pleading, Plaintiff's Original Petition, via certified mail.
3. Defendant filed its Original Answer on March 29, 2024.
4. Plaintiff is a citizen of the State of Texas.

5. Defendant is a citizen of Oklahoma.
6. Plaintiff's Original Petition, filed contemporaneously herewith, states that the amount of damages sought is \$250,000.00 or less. Plaintiff has demanded from Defendant payment in the amount of not less than \$99,889.70, in connection with his statutory claim.

II. BASIS FOR REMOVAL

7. Removal is proper under 28 U.S.C. § 1332(a) because Plaintiff's suit is a civil action in which this Court has original jurisdiction over the parties, based upon diversity jurisdiction under 28 U.S.C. § 1332. This action is removable to this Court pursuant to the provisions of 28 U.S.C. § 1441(b) because Plaintiff is a citizen of the State of Texas and Defendant is a citizen of the State of Oklahoma. Additionally, the amount in controversy exceeds \$75,000.

A. Complete Diversity Exists.

8. For diversity purposes, a natural person is considered a citizen of the state where that person is domiciled. Plaintiff is a person and domiciled in the State of Texas, which is admitted in Plaintiff's Original Petition filed herewith.
9. For diversity purposes, a business entity is considered a citizen of the state where the business is organized and/or has its principal place of business. Defendant is a citizen of the State of Oklahoma, which is admitted in Plaintiff's Original Petition, filed herewith.
10. Because Plaintiff and Defendant do not share in citizenship in any state, removal is proper on diversity grounds.
11. Defendant is now, and was at the time the removed action was commenced, diverse in citizenship from the Plaintiff. 28 U.S.C. § 1332.

B. The Amount in Controversy Exceeds \$75,000.

12. As previously stated, Plaintiff filed Plaintiff's Original Petition on February 14, 2024. Plaintiff identified the amount in controversy to be \$250,000.00 or less. Moreover, Plaintiff's Original Petition alleges: "The outstanding balance as of June 1, 2023 is approximately \$99,889.70. Due to the ongoing nature of the storage related fees, the charges continue to accrue."
13. Accordingly, Plaintiff seeks damages beyond the threshold amount of \$75,000.
14. Because this notice of removal has been filed within the time available after Plaintiff provided Plaintiff's Original Petition, providing Plaintiff's claim for relief, this removal is proper and timely under 28 U.S.C. § 1446(b)(3).
15. The United States District Court for the Eastern District of Texas embraces Harrison County, Texas, the place where the state court action was filed and is pending.
16. The live pleadings before the state court are Plaintiff's Original Petition and Defendant's Original Answer. No motions are pending before the state court.
17. All pleadings, process, and orders served upon Defendant in the state court action are attached to this Notice as **Exhibit "A"**, as required by 28 U.S.C. § 1446(a) and Local Rule CV-81(c)(2).
18. Pursuant to Local Rule CV-81(c)(1), attached to this Notice as **Exhibit "B"** is a list of all parties in the case, their party type and current status of the removed case.
19. Pursuant to Local Rule CV-81(c)(3), attached to this Notice as **Exhibit "C"** is a complete list of attorneys involved in the action being removed, including each attorney's bar number, address, telephone number, and party or parties represented by that attorney.

20. Pursuant to Local Rule CV-81(c)(4), attached to this Notice as **Exhibit “D”** is a record of which parties have requested jury trial.
21. Pursuant to Local Rule CV-81(c)(5), attached to this Notice as **Exhibit “E”** is the name and address of the court from which the case was removed.
22. Pursuant to Local Rule CV-81(d), Defendant states that no motions are pending in state court.
23. Defendant demands a trial by jury in accordance with the provisions of FED. R. CIV. P. 38, and will file a separate jury demand pursuant to Local Rule CV-38(a).

WHEREFORE, PREMISES CONSIDERED, Defendant **TRISURA SPECIALTY INSURANCE COMPANY** respectfully requests that this action be immediately and entirely removed upon filing of this Notice of Removal to the United States District Court for the Eastern District of Texas, and for such other and further relief to which he may show itself to be justly entitled in equity or law.

Respectfully Submitted,

THE LAW OFFICE OF KYLE J. MOORE, PLLC

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CERTIFICATE OF SERVICE

In accordance with the Federal Rules of Civil Procedure, I hereby certify that on April 1, 2024, a true and correct copy the foregoing instrument was served on the following counsel of record authorized by Federal Rule of Civil Procedure 5(b)(2):

Via ECF

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By: /s/ *Kyle J. Moore*
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